
DIGEST

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Carmody

HB No. 87

Abstract: Expands the crime of indecent behavior with juveniles to include not only lewd electronic communications but also traditional and verbal communications.

Present law, relative to the crime of indecent behavior with juveniles, makes it unlawful to:

- (1) Commit any lewd or lascivious act upon the person or in the presence of any child under the age of 17, where there is an age difference of greater than two years between the two persons; or
- (2) Transmit an electronic textual communication or an electronic visual communication depicting lewd or lascivious conduct, text, or images to any person reasonably believed to be under the age of 17 and reasonably believed to be at least two years younger than the offender.

Proposed law retains (1) (above) but revises (2) (above) by prohibiting the transmission delivery or utterance of any textual, visual, written, or oral communication depicting lewd or lascivious conduct, text, word, or images and retains all other elements regarding communications.

Proposed law deletes the existing definitions of "electronic textual and visual communication" and adds a new definition of "textual, visual, written, or oral communication" which includes any communication of any kind, whether electronic or otherwise, made through the use of the U.S. mail, any private carrier, personal courier, computer online service, Internet service, local bulletin board service, Internet chat room, electronic mail, online messaging service, or personal delivery or contact.

Proposed law retains present law penalties as follows:

- (1) A fine of not more than \$5,000, or imprisonment with or without hard labor for not more than seven years, or both, provided that the defendant shall not be eligible to have his conviction set aside or his prosecution dismissed in accordance with the provisions of C.Cr.P. Art. 893.
- (2) If victim is under the age of 13 when the offender is 17 years of age or older, the defendant shall be punished by imprisonment at hard labor for not less than two nor more than 25 years. At least two years of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

(Amends R.S. 14:81(A)(2), (C), and (E))